

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

March 13, 2008

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, March 13, 2008, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Sheriff Beth Arthur
Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)
Mr. Robert L. Bushnell
Sergeant Charles J. Condon
Mr. Kevin S. Hodges
Chief Alfred Jacocks, Vice Chair
Chief James R. Lavinder
Dr. Jay W. Malcan
Sheriff Charles W. Phelps, Chair
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn

Members Not Present:

Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Mr. Christopher R. Webb

DCJS Staff Present:

Leon Baker
Ron Bessent
Donna Bollander
Donna Bowman

Colette Brown
Steve Clark
George B. Gotschalk
Sharon Gray

Craig Hartley
Judith Kirkendall
Thomas E. Nowlin
Tim Paul

Others Present:

William Butters, *Virginia Commonwealth University Police Department*
Bonnie Camp, *Fairfax County Sheriff's Office*
Larry Carter, *Norfolk Sheriff's Office*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*
Greer E. Fullerton, Sr., *Department of Corrections/Academy for Staff Development*
George Haudricourt, *ADT*
Donald Hunter, *Crater Criminal Justice Training*
Robert McCabe, *Norfolk Sheriff's Office*
Bill O'Toole, *Northern Virginia Criminal Justice Academy*
Stephen Para, *Explosive Countermeasures Int.*
Shane Roberts, *Portsmouth Sheriff's Office*
Ed Roessler, *Fairfax County Police Department*
Ronald Staton, *Central Virginia Criminal Justice Academy*
Carol Thomas, *Department of Corrections/Academy for Staff Development*
Dave Vice, *Fairfax County Criminal Justice Academy*
Grant Warren, *Virginia Commonwealth University Police Department*

Call To Order:

Sheriff Phelps called the meeting to order. He informed the members that Mr. Alfred Dowe, Jr., representing the Virginia Municipal League, had resigned from the Criminal Justice Services Board, effective February 25, 2008, and that staff was working with the Office of the Secretary of the Commonwealth to fill the vacancy. The Chairman also advised that Mr. Gerald Eggleston, Virginia Department of Corrections, is no longer the Training Manager for the Academy of Staff Development. However, Chairman Phelps read a brief acknowledgment from Mr. Eggleston in appreciation of his tenure on the Committee. The Chairman thanked both Mr. Dowe and Mr. Eggleston for their service on the Committee.

Sheriff Phelps noted that Ms. Kathy Brame is now the Training Manager at the Academy for Staff Development and welcomed her to the Committee as the new representative for the Department of Corrections.

The roll was called with ten (10) members present, which indicated a quorum. (*Sheriff Arthur arrived later.*) Chairman Phelps asked if there were any other questions or comments regarding

the minutes of the last meeting. Hearing none, he asked for a motion to approve the minutes as written. Mr. Vaughn made a motion to approve the minutes; Chief Jacocks seconded, and the minutes were approved unanimously.

Public Hearing on the Suggested Changes to the Minimum Training Standards for Entry-Level Law Enforcement Officers

Sheriff Phelps officially opened the public hearing by reviewing the procedure that would be followed during the process. He noted that the hearing would deal with the Suggested Changes to Minimum Training Standards for Entry-Level Law Enforcement Officers. He introduced Judy Kirkendall to present a brief overview of the suggested changes and discuss its specific points.

Ms. Kirkendall distributed the recommendations and comment matrix to the Committee. (*Copies are available upon request.*) She advised that the Curriculum Review Committee (CRC) met and reviewed the suggestions and comments. The CRC followed the procedure prescribed by the APA, and comments were received then sent out to the public for review. She then introduced Captain Terry to review the specifics of the comments.

Captain Terry noted that the CRC met at the Virginia State Police Academy in September 2007, and he reviewed the suggestions to the training standards, including the following, on which the CRC did not agree:

- **2.30.2** – Captain Tonya Vincent, Arlington Police Department, made the recommendation that “interrogation” be changed to “interview”. The CRC disagreed and feels that “interrogation” is still the correct term in questioning a suspect before and after the Miranda rights are given.
- **4.46.5** – Chief Deputy Mike Williams, Clarke County Sheriff’s Office, recommended that 4.46.5 read, “Initial contact and observation for signs of impairment, note if speech is slurred, odor of alcoholic beverage, ability to follow directions.” The committee disagreed as this addition places too much emphasis on these items. However, current wording allows instructor to cover multiple potential indicators of impairment.
- **4.56.B, 4.56.3, and 4.56 Lesson Plan Guide (LPG)** - Ron Bessent, DCJS, recommended that certain words be stricken as the Code does not require an individual to assist an officer in order to obtain test results. The CRC agreed with William O’Toole, Director Northern Virginia Criminal Justice Academy, that current wording is correct. However, the current reference to the Code sections would be changed to **§ 32.1.45.2.**

Captain Terry noted that the following general requests were made, which included:

- In 2007, a letter was sent to Sheriff Phelps requesting the removal of the shotgun training requirements as some agencies are no longer carrying shotguns. This was referred to the CRC for review this year. The CRC noted that a survey was sent out to the police departments and sheriff’s offices regarding the use of shotguns and revolvers. (The inclusion of revolvers resulted from the topic being brought up during committee discussions.) The CRC recommended not changing this item as the results of the survey indicated that some agencies still use shotguns and revolvers, and the numbers do not support a change in the training requirements at this time.

- Chief Deputy Mike Williams, Clarke County Sheriff's Office, and The Honorable Suzanne Perka, Clarke County Commonwealth's Attorney, recommended that the process for arrest related to **4.46.6** and **4.46.7** should be outlined for different situations, including:
 - (a) accidents driver not supported
 - (b) accidents driver transported to hospital
 - (c) traffic stop, driver shows signs of impairment but no odor of alcoholic beverage about person.

Ms. Kirkendall noted that, in this request, Commonwealth Attorney Perka was primarily seeking to reorganize the lesson plan. Ms. Kirkendall advised that the Department does not have a policy of writing lesson plans, and each academy prepares its own lesson plans. Thus, the CRC decided to leave the item as is because one academy might wish to present its lessons in one order, and the other might present them in another. She noted that the CRC decided to leave the item as is.

Chairman Phelps asked if there were any questions or comments and if there were any individuals who had pre-filed with the Department or signed the sign-up sheet located at the entrance of the room to speak during the hearing. No one had pre-filed or had signed up to address the Committee regarding the suggested changes. Chief Jacocks asked if the shotgun requirement was only in reference to agencies that currently use shotguns. Ms. Kirkendall responded that the training is required of everyone. She noted that once the officer is certified in use of a shotgun and leaves an agency, the next employing agency might not require the use of a shotgun. Therefore, the requirement is for everyone to be trained as the Department has no other way to track the training of one who has been certified under shotgun as there are more than fifty percent of the agencies that still use shotguns. Chief Jacocks responded that some agencies do not use a shotgun, and this would present a problem if agencies are required to have shotguns in their inventory and also have to justify the request for funds if these items are not being used. Ms. Kirkendall acknowledged that she understands this difficulty. However, it involves the ability of a certified officer to move from one agency to another and the ability of the state to assure the hiring agencies that the officers still have their firearms training. She reiterated that the state needs the ability to track the training. Mr. Gotschalk added that Sheriff Arthur had also brought up the issue of firearms training, and he advised that the Department is not focusing on one agency but looking at the problem in its entirety. He noted that all of the regulations and requirements relating to firearms might have to be revisited and continue to maintain the integrity of the system. Mr. Gotschalk also suggested that the COT direct the CRC to review the system and offer suggestions to remedy the problem.

Chief Jacocks noted that one would think that agencies would not hire officers from other criminal justice agencies without ensuring that the officers go through their own firearms qualifications course. Mr. Gotschalk responded that there are smaller localities with finance and personnel issues that would affect their decisions of training these officers. Ms. Kirkendall added that these agencies usually look to hire officers who are certified in all areas so they would not have to pay for the cost of having to train them.

Chief Jacocks made a motion that the Committee recommend to staff to revisit the firearms issue as many of the agencies are switching to rifles and are not using shotguns, and this places a strain on agencies to require them to maintain an inventory of shotguns when they are not being used

by the agency. Mr. Bushnell seconded. Chairman Phelps added that this is a liability issue for a number of agencies across the state and is something that needs consideration. Mr. Gotschalk asked the members, in consideration of the motion, if they would ponder Sheriff Arthur's concern of the 25-yard course. Sheriff Arthur noted that the Northern Virginia Criminal Justice Academy's and the Chief of Police of Arlington's concerns about the 25-yard standards being considered obsolete as they were suggesting that officers not shoot at individuals from that distance. Sheriff Arthur noted that the request was to look at the entire minimum training standards for firearms and the length of the distances referred to on the courses. Ms. Kirkendall asked if they were requesting that all of the courses be reviewed. Sheriff Arthur responded that she was referring specifically to the 25-yard course and using parallel courses for shotguns and revolvers and that the Department should develop a method to track and maintain an individual's firearms certification.

Chief Jacocks amended his earlier motion and made a motion to include Sheriff Arthur's request regarding the 25-yard course with handguns. Mr. Bushnell referred to the earlier discussion about localities and finances. He noted that he had concerns about an agency administrator having to appeal to its localities for funding of shotguns if it does not have an appreciable arsenal of firearms only in case they need it for training. Ms. Kirkendall acknowledged that she understands their concerns as there is a significant number of agencies that are still using shotguns. She added that the agency would want to make it clear if individuals are trained in various types of weapons and are also certified in others. She noted that there needs to be more discussions in this area and that a review of this procedure is a good idea.

Mr. Bushnell asked if officers are expected to use a variety of weapons in the case of emergencies. Captain Terry suggested that perhaps at another meeting of the CRC they could place the responsibility of the training of an officer in firearms on the individual agencies. Chief Jacocks noted that the Virginia Beach Police Department issue Glock side arms to its officers, whereas, other agencies issue other types of weapons for use. He added that if one of the officers leaves his agency and goes to another, the officer must be certified in the use of the weapon commonly used by the hiring agencies before being allowed to perform his duties using a firearm.

Hearing no other comments, Sheriff Phelps asked for a vote on the motion made by Chief Jacocks and seconded Mr. Bushnell directing staff to refer the issue on firearms back to the CRC. The motion was voted upon and approved unanimously.

Mr. Bushnell observed that he did not see Regulations **2.30.2** or **4.46.5** with their current language in the documents (suggested changes and comment matrix) provided for the members' review. Ms. Kirkendall responded that those regulations were not sent to the public for comment as the CRC did not agree on those suggested changes. She added that when the CRC does not agree with a suggested change, the individual(s) suggesting the change(s) have the option to appear before the COT at a public hearing to present the change if the COT does not agree with the CRC's recommendations.

Mr. Bushnell advised that he would have preferred reviewing the language of **2.30.2** as the individual making the suggestion might have a valid reason requesting the change. He asked why the CRC would share with the COT members that the recommendations regarding **2.30.2** and **4.46.5** were declined by the CRC if the members of the COT could not review the language in

those regulations. Ms. Kirkendall responded that the reasons these suggestions were discussed and not agreed upon by the CRC are indicated in the Agency Response column. She acknowledged that she understood Mr. Bushnell's point and would make sure that those items are included. Mr. Baker suggested that these issues could be discussed further at a later time.

Mr. Gotschalk advised that the Committee could vote on what was before them, and staff would bring the other information before the Committee during the next meeting. Mr. Bushnell added that he would be particularly interested in reviewing the language regarding "interview" versus "interrogation" as he is currently involved with officers documenting all of the dialogue between them and parties of interest. He noted that he applauds anything that enlightens officers on how to perform their duties. Sgt. Condon added that he was in agreement with Mr. Bushnell on why various suggested changes were not listed on the documents as there might be adequate reasons why the comments were made. He noted that he would also want to see the context of why these recommendations were presented.

Sheriff Phelps asked if there were any other comments. Hearing none, Sheriff Arthur suggested that the suggested changes the Committee did not want to vote on be removed and voted on later. Mr. Baker noted that the suggested changes before the Committee only has the items agreed upon and recommended by the CRC. Therefore, **2.30.2** and **4.46.5** could be discussed and voted upon at the next meeting of the COT.

Chief Jacocks made the motion that the suggested changes be adopted. Sheriff Arthur seconded, and the motion carried unanimously. For clarification, Mr. Bushnell made a motion that the suggested changes be accepted in its entirety, with the exception of **2.34.02**. Sheriff Phelps asked if Mr. Bushnell wanted to add to that motion the stipulation that **4.46.5** be shared with the Committee later. Mr. Bushnell responded that although he would have liked to see the language relating to **4.46.5**, he believed that the CRC's comments were adequate that the reordering of lesson plans did not require a regulation change. He noted that his basic concern was with the use of the terms "interview" and "interrogation." Therefore, his motion would remain as presented. Mr. Vaughan seconded, and the suggested changes were approved unanimously. Mr. Bushnell also noted as a matter of record that he was satisfied with the CRC's recommendations.

Old Business:

Academy Certification/Recertification

Chairman Phelps advised that a subcommittee of members of the Committee on Training met with staff and a representative of the Virginia Directors of Criminal Justice Training Association (VDCJTA) to discuss potential changes to the academy re-certification standards. He introduced Mr. Gotschalk to discuss the need for the review and to recommend changes for the Committee's consideration. Mr. Gotschalk distributed the Academy Recertification Standards – Revised January 2008, to the members. He mentioned that the Academy Re-certification Committee consisted of DCJS staff, Colette Adams-Brown and Mr. Gotschalk; COT members: Mr. Bushnell, Chief Lavinder, Sheriff Phelps, and Mr. Webb; and Doug Cooley, Director, Southwest Virginia Criminal Justice Training Academy (who replaced Ron Staton, Director, Central Virginia Criminal Justice Academy).

Mr. Gotschalk highlighted the following major changes and additions:

- **2. Academy Recertification Time Frame.**
 - A. Change that the academies be recertified every two years to being recertified every three years. The suggestion was made due to the changes in staff of academies and would allow the Department to conduct an Interim Academy Audit with the new training director prior to the actual recertification process. It was also decided that re-certifying the academies every three years would allow staff to divide the cumulative number of criminal justice academies wherein only a third of the academies would have to be re-certified in a given year.
- **3. Academy Recertification Process.**
 - B. Change in notification process that the Director and Board Chairman or Agency Administrator of the academy would receive notification of standards that have not been met and a reassessment date.
- **B. Administration Standards**
 - 1.(1) “Is there a process which allows all participating agencies to address questions and concerns regarding the three year plan?” Mr. Gotschalk noted that this applies only to regional academies because they have multiple member agencies that participate with a three-year charter agreement with the regional academy.
 - 10.(2.9) Regarding Record Retention. Mr. Gotschalk informed that the Virginia State Library has the responsibility for setting the standard for the retention of records of each academy. He noted that he does not want to put the Department in the position of trying to enforce the State Library’s rules.
 - 13.(2.13) Mr. Gotschalk mentioned that it was suggested that this section be deleted. He added that the original intent of this section was to allow students to perform their duties after graduation and then submit an evaluation of the academy based on what they actually practiced. Academy directors have indicated that they send out these evaluations to students who have graduated, yet they get very few responses in return, which costs the academy money.
 - 19. An academy director suggested that rather than limiting the maximum number of students in a classroom to thirty-five (35), the maximum number should be changed to no more than the legal capacity of the classroom. Mr. Gotschalk noted that some academies, especially VSP, have classrooms that can accommodate more students.
- **D. Facility Standards**
 - 1. (4.1) This standard was changed to include that all pertinent inspections (fire, health, and building regulations) have been reviewed “annually” instead of every six months.
 - 8. (4.15) Addresses housing policies for academies that house students and if policies are in place to handle emergencies after hours.
- **E. Instruction Standards**
 - 6. (5.4) In some cases, instructor apprenticeship has not been documented, and academies think that the instructors teaching their classes are certified. This standard indicates that the academies must ensure that all instructors are DCJS certified or is a documented professional unless the classes are less than three (3) hours in length.
 - 8. It was suggested that this standard referencing that the academy should maintain an up-to-date hard copy of the DCJS Reference Manual be deleted as the DCJS

Reference Manual is available online. Mr. Gotschalk informed that he would discuss this in more detail later in the meeting as the Reference Manual has to be updated.

- **F. Satellite Training.**

This section includes the definition of a satellite training facility and the academy's responsibilities regarding this facility. Mr. Gotschalk emphasized that one new suggestion is that the academies close out all mandated training sessions held at the academy and all satellite facilities within sixty (60) days of the end of the session.

Mr. Gotschalk advised that these recommendations are made by the Academy Re-certification Committee and do not have to be presented as a public hearing. He informed that Ms. Brown goes onsite and performs the certification and re-certification process at the academies and that she was about to begin the cycle of academy re-certifications for 2008. He added that staff would present findings regarding the academy re-certifications to the COT at a future meeting. Mr. Gotschalk noted that the academy recertification process is becoming increasingly important. Therefore, he asked for the concurrence of the Committee on Training for the proposed standards.

Sheriff Phelps asked if there were any other questions or comments. Hearing none, Chief Jacocks made a motion to adopt the recommendations to the academy re-certification standards as proposed; Sheriff Arthur seconded, and the motion was carried unanimously. Mr. Gotschalk added that staff would return in the fall to apprise the Committee of any updates regarding this matter.

Standards & Training Reference Manual

Chairman Phelps informed that the Standards and Training Section has published a reference manual for use by academy directors and agency administrators for many years. This manual has become dated and is badly in need of revision. He also noted that academy re-certification is one of those areas that needed review. He then asked Mr. Gotschalk to advise the Committee on what needed to be done. Mr. Gotschalk asked that this item be moved to later in the meeting after new business regarding the Campus Security Regulations and Training. The Committee concurred.

New Business:

Campus Security Regulations and Training

Sheriff Phelps advised that in 2007, the Office of Campus Police and Security (OCPS) was created by legislation arising from **HB-1036**, which directed DCJS to establish minimum standards for employment, entry-level and in-service training curricula, and certification requirements for campus security officers. In November of 2007, the OCPS was placed under the direction of the Virginia Center for School Safety (VCSS) at DCJS. He introduced Steve Clark to give a status report on the first two phases of the project, the certification training development and the development of the regulations to guide this program.

Mr. Clark advised that for now the driving force of the OCPS should be in developing training standards, training programs and minimum training for entry-level officers. He noted that when the project began an advisory committee was comprised of thirty (30) individuals to advise them on the kinds of hybrid security systems across the state of Virginia. This encompasses students who are employed part-time and also hospital security systems, police departments who patrol campuses, special police and private contractors for security. He acknowledged that some larger institutions have their own campus police departments. The OCPS Advisory Committee has had a total of twelve (12) meetings and meets on a six-week cycle. The committee also had a training session on the Clery Act (federal legislation that relates to training) held on May 18, 2007 with an attendance of seventy-five (75) participants. *[NOTE: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.]* Mr. Clark advised that to assess the varied levels of service provided by campus police and security officers, staff has conducted six (6) site visits to campuses, including:

- George Mason University,
- Virginia Commonwealth University,
- University of Richmond,
- College of William and Mary, and
- Christopher Newport University.

Mr. Clark mentioned that draft regulations have been created and are under review by the OCPS Advisory Committee. He also noted that an online discussion forum has been created to allow interaction between the advisory committee and OCPS staff on issues related to the regulations and training development. DCJS has also entered in a partnership with VCCS and a private firm that specializes in curriculum development to write entry-level certification training programs, which they hope to have operable on the 2008-2009 school calendars. The program would be designed to allow three types of instruction: online training, a combination of online and traditional classroom training, and classroom instruction only.

Mr. Clark also advised that they are anticipating an 18-month cycle of approving regulations. He noted that in order to make training available for the '08-'09 school year, it might be more effective to introduce emergency regulations. He mentioned that the Department is conducting a job task survey (not a job task analysis) to capture the various rules needed to address entry-level training. The VCSS also plans to integrate campus police and security in their statewide training conference scheduled for August 5-6, 2008.

Mr. Clark advised that future plans are to look into getting a Clery Act Specialist for the OCPS. He added that the Clery Act has been a great concern for most schools as it is difficult to interpret exactly what one is supposed to be recording. There also appears to be a disconnection between the federal entities, which require the collection of the data and how it is interpreted on the local level with the institutions. He mentioned that several chiefs of police have indicated that there is a need for a state level Clery Act specialist to provide consistency in how these federal legislations are interpreted. He noted that there are strict sanctions that exceed \$20,000 per violation if items are not recorded or reported incorrectly.

Mr. Clark advised that when entry-level training is completed and operational and the officer is certified, the next need is for supplemental training or advanced level training. He observed that the training that is needed to certify officers is not going to meet the needs of the higher level security officers who are doing primary security on campuses that have no police presence. Therefore, one of the future goals of the OCPS is to develop advanced level campus police and security officer training. He noted that although current law enforcement officers on campuses are certified by the Department, there is also a need to provide specialized training on issues related to campus policing and security functions.

Chairman Phelps asked if there were any questions or comments. Dr. Malcan asked if the combination of online training and onsite classroom training is only offered at Central Virginia Community College (CVCC) or would it be offered through various community colleges throughout Virginia. Mr. Clark responded that the online training is to be delivered throughout the community college system network, but the online portion is coordinated by CVCC, which is where the developer of the training is stationed. He added that classroom training could be delivered at any of the community colleges. Dr. Malcan asked if the discussions have included all the State Council of Higher Education for Virginia (SCHEV), which includes all administrators from statewide institutions. Mr. Clark responded that they have had regular contact with SCHEV, yet the biggest challenge is trying to develop training to a level that is going to meet the needs of all of the constituents utilizing campus security. Dr. Malcan noted that the SCHEV routinely meet with all of the college presidents and that this might be a venue for the OCPS to showcase the final product and transition it.

Mr. Hodges asked Mr. Clark to elaborate on how the special conservators of the peace (SCOP) are involved in entry-level training as they are also trained and regulated by the Private Security Services Section. Mr. Clark responded that the SCOP's would not be required to be certified as they are certified through the authority of the courts. He noted that it would be the responsibility of each institution to decide which levels need to be certified. He added that some of the security people only lock and unlock doors and are, therefore, not required to go through a special training. Ms. Donna Bowman, Director, VCSS, mentioned that she has had discussions with Lisa McGee, Chief, DCJS Private Security Services Section, to see how the VCSS can network with PSS and their training requirements that are already in place. She added that in the preliminary discussion, the joint decision was to see how the training compared to what was already offered as opposed to its being integrated into what PSS already has available. Ms. Bowman noted that they would want to see individuals in the private security industry go through additional training for campus police. However, the idea of training for the SCOP has not yet been broached.

Sheriff Phelps asked if there were any other questions or comments. Hearing none, he moved to the next item on the agenda.

Training Exemptions and Standards and Training Reference Manual

Mr. Gotschalk mentioned that the training exemptions, updating the Training Reference Manual, and the agency's reorganization seem to flow together, which is why he asked to discuss them jointly. He noted that he has been with DCJS since March 1980 and has been a part of many reorganizations within the Department. He advised that the recent re-organization of the

Department mainly has to do with timing as opposed to what happened in the past when this process was precipitated by the Governor or the Director. He mentioned that the Deputy Directors', Craig Hartley and Leon Baker, positions have been re-defined. Craig Hartley is the new Deputy Director of Law Enforcement. He has a background as a former assistant chief of police and used to be a certified instructor in North Carolina. Mr. Gotschalk mentioned that Mr. Hartley is also an assessor for Communications Assistance for Law Enforcement Act (CALEA) and has several suggestions regarding the firearms issue that was discussed earlier.

Mr. Gotschalk also noted that the budget issues have resulted in the Standards and Training Section losing two positions over the years due to layoffs, which have not been filled, and two other positions that have been frozen due to the present budget situation. Currently, the S & T Section is regulating more agencies and individuals with fewer staff than when he arrived in 1980. He acknowledged two staff members have announced their retirement, and a third who is able to retire has not given the date of his retirement. He added that there is quite a potential for turnover in the S & T Section as two other staff members have more than thirty (30) years of service with the Commonwealth, one employee who has two more years before being eligible for retirement, and another individual has twenty-two (22) years of service with DCJS and has retired from two other positions.

Mr. Gotschalk mentioned that staff needs to take a serious look at and update the Training Reference Manual. He noted that one of John Byrd's responsibilities was to update the reference manual. Mr. Byrd retired in 2007, and no one else has been hired to fill that position. He added that the training exemptions and their guidelines, which have not been updated, are included in the training manual. He noted that when the guidelines were created, the academies taught subjects in "blocks", where individuals could receive whatever legal or career development training in specific blocks of time. This would allow for new employees to receive required training and be able to work directly in the streets without having to attend the entire training at the schools. Over the years, the performance objectives, legal updates, and other topics have been spread out throughout the course of the academy. Thus, agencies are discovering that the newly hired individuals have to attend the majority of the school in order to receive the necessary training. Mr. Gotschalk acknowledged that this appears to be counterproductive to the original intent of the guidelines, and training exemptions are not meeting the needs of the agencies.

Mr. Gotschalk advised that some academies (Northern Virginia Criminal Justice Academy, Fairfax County Police Academy, and Virginia Beach Police Academy) would do an "option" school where they put newly hired individuals through specific training that are blocked for those options. However, this is not feasible for a number of the regional academies as they do not have enough people for this to be cost effective. He noted that Department needs to take another look at how to administer training exemptions. Mr. Gotschalk advised that this is probably the best time to review these processes as current staff has knowledge of the history and the original intent of these guidelines. He noted that with the turnover in regional and independent academy directors there are a few of the remaining directors who understand how things have been administered in the past.

Mr. Gotschalk suggested that utilization of some of the members of the Committee on Training to give representation on various committees to help review and develop new guidelines for these procedures that are manageable and effective for the academies, the agencies, and the Department. He added that some of the items in the reference manual are accurate as they link to

other agencies and the Legislation Information System (LIS) as well as the Virginia Code Commission. He emphasized that it is vital that time is set aside to look at specific policy guidelines that are used to administer the regulations. Mr. Gotschalk noted that the S&T Section needs to change the way they do business as, since 1969, there are only two individuals within the section who are actually dealing with the standards. He noted that some of the changes over the years have included the managing of training records electronically to eliminate the need for personnel and manpower. However, it might be time to look at how to better administer the entire system.

Mr. Gotschalk advised Chairman Phelps that he would meet with Mr. Bessent and contact the Chairman to start a review process. Chairman Phelps asked for any other questions or comments. Mr. Bushnell mentioned that one of his pleasures of being a member of the Board is to be able to impact the training of police officers. He noted that he and his colleagues have shared that they have observed an overall improvement in the standards of the profession during their respective careers in working with law enforcement. He acknowledged that he, the Virginia Association of Commonwealth's Attorneys and the Commonwealth Attorneys' Services Council are ready to assist in this project. Mr. Gotschalk asked the members to inform Sheriff Phelps of any ideas they might have in how the exemptions are administered, and he in turn would share them during future discussions.

Dr. Malcan asked Mr. Gotschalk about the other kinds of committees he had mentioned. Mr. Gotschalk stated that the Curriculum Review Committee looks at the components of the rules. Yet, he feels the committees should look at all of the policies in the Training Reference Manual. Some of Mr. Gotschalk's suggestions included the Department's role in and how to report training, delinquencies, etc. as the S&T Section does not have the staff to manage procedures in the same way they were done in the past. However, currently, training exemptions appears to be of great concern.

Sheriff Phelps asked the members how they wanted to direct staff. The Committee gave staff the acknowledgement to proceed in whatever manner necessary to review the Training Reference Manual and update the procedures.

Public Comment

Sheriff Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. He recognized The Honorable Robert "Bob" McHabe, Sheriff, City of Norfolk. Sheriff McHabe approached and mentioned that he was also President of the Virginia Sheriff's Association (VSA) and asked about the training manual. He noted that the Norfolk Sheriff's Office does extraditions and assist the police department whenever asked. He also thanked Colette Brown and her associate for their recent visit to the academy. Sheriff McHabe advised that one of his main concerns was to upgrade their training and that they have to teach the Code of Ethics in order to do so. He noted that it was brought to their attention that the Norfolk Sheriff's Academy had been teaching the Law Enforcement Code of Ethics instead of the Jail Officer Code of Ethics, which he noted came about when the Regional Jail Officer Code of Ethics was formed a few years prior. He added that he would much prefer teaching his deputies the LE Code of Ethics as they have the power of arrest and various other powers of a

law enforcement officer and that he would want to see this updated when staff updates the training manual.

Sheriff Phelps acknowledged that he understood Sheriff McHabe's situation as he has had previous conversations with Sheriff McHabe regarding this matter, which were more in-depth than the presentation Sheriff McHabe had just made before the COT. Mr. Bushnell mentioned that he had not realized that there was a lesser code of ethics for jailors as opposed to law enforcement officers. He added that he agrees with Sheriff McHabe as no one with the exception of undercover officers has a closer relationship with the criminal community other than those who are housing the criminals. He applauded Sheriff McHabe for his comments and his efforts in instilling in the jail officers the importance to adhering to the law and the fact that this supersedes any feelings of personal loyalties to buddies on the other side or to the officers' superiors.

Mr. Gotschalk noted that the Jailor Code of Ethics was developed by the Jail Association by reviewing the standards of jail officers and that the International Association of Chiefs of Police (IACP) developed the Law Enforcement Officer Code of Ethics by observing law enforcement officers and patrol or street officers. He added that staff would review this issue.

Next Meeting

Hearing no other concerns from the audience, Sheriff Phelps noted that the next meeting of the Committee on Training is scheduled for Thursday, May 8, 2008.

Adjournment

A motion was made by Chief Jacocks to adjourn the meeting. The motion was seconded by Captain Terry, was carried unanimously, and the meeting was adjourned at 10:35 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved:

The Honorable Charles W. Phelps
Chair

Date

Attachment(s)